

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

RICHARD LOWERY, on behalf of  
himself and others similarly situated,

Plaintiff,

V.

TEXAS A&M UNIVERSITY; M. KATHERINE BANKS, in her official capacity as President of Texas A&M University; ALAN SAMS, in his official capacity as Interim Provost and Vice President for Academic Affairs for Texas A&M University; ANNIE S. MCGOWAN, in her official capacity as Vice President and Associate Provost for Diversity at Texas A&M University; and N.K. ANAND, in his official capacity as Vice President for Faculty Affairs at Texas A&M University,

Defendants.

Civil Action No. 4:22-cv-3091

## DECLARATION OF N.K. ANAND

1. My name is N.K. Anand. I am over the age of 18 and competent in all respects to make this declaration.

2. I have personal knowledge of the facts stated in this declaration, all of which are true and correct, and if called as a witness, I could and would testify competently thereto.

3. I am a Professor of Mechanical Engineering at Texas A&M University at College Station (“TAMU”). I am also the Vice President for Faculty Affairs at TAMU. I have held this position since February 1, 2022. By virtue of my position as Vice President for Faculty Affairs, I have knowledge of the current faculty hiring policies, procedures, and programs at TAMU, including at the Mays Business School, which houses TAMU’s Department of Finance.

4. The Accountability, Climate, Equity, and Scholarship Faculty Fellows Program (“ACES Fellows”) is a faculty hiring program at TAMU for early-career Ph. Ds (*i.e.*, those within four years of earning their degrees). Applicants of all races, ethnicities, and genders are eligible to apply, and all hiring decisions are made on an equal employment opportunity basis, in compliance with TAMU’s policy on equal employment opportunity. ACES Fellows was launched in 2018. Individual schools and colleges at TAMU must opt in to participate in ACES Fellows. The Mays Business School has never opted into ACES Fellows, and it has elected not to participate in ACES Fellows in the 2023–24 academic year.

5. The ACES Plus Program (“ACES Plus”) is a faculty hiring program at TAMU for new mid-career and senior tenure-track hires. A memorandum announcing ACES Plus was released in July 2022, and a memorandum clarifying ACES Plus was released in December 2022. Applicants of all races, ethnicities, and genders are eligible to apply to ACES Plus, and while no hiring decisions have been made to date, all such decisions will be made on an equal employment opportunity basis, in compliance with TAMU’s policy on equal employment opportunity. As with ACES Fellows, individual

schools and colleges at TAMU must opt into participate in ACES Plus. If a school or college does opt in to ACES Plus, and a qualified candidate submits an application and is selected, a position or faculty line is created for that candidate. The Mays Business School has never opted in to ACES Plus, and it has elected not to participate in ACES Plus in the 2023–24 academic year.

6. On March 2, 2023, Texas A&M University System Chancellor John Sharp directed all universities and agencies in the system to remove Diversity, Equity and Inclusion (“DEI”) statements from their employment or admission practices. Chancellor Sharp issued system-wide guidance standardizing all faculty application components to (i) employment application, (ii) cover letter, (iii) curriculum vitae, (iv) personal statement to include philosophy and plans for research, teaching, and service, as applicable, and (v) professional references. A true and correct copy of the news release announcing Chancellor Sharp’s directive and transmitting the system-wide guidance is attached as Exhibit 1. The guidance is also accessible online at <https://news.tamus.edu/texas-am-system-removes-dei-statements/>.

7. In accordance with TAMU and Texas A&M University System policies and guidance, all faculty hiring decisions in the Mays Business School are based on the approved application components. There is no position or faculty line at the Mays Business School that is “reserved” for members of underrepresented minority groups.

8. Since July 2022, the Mays Business School has posted eight job openings for tenured or tenure-track faculty. Since July 2022, six tenured/tenure track faculty at

associate and full professors were hired of which three were Asian females, two were white males, and one Asian male.

I declare under penalty of perjury that the foregoing is true and correct. Executed on March 27, 2023 in College Station, Texas.



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N.K. Anand